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OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
BUSINESS REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:

Hinds County Human Resource Agency  
Post Office Box 22657  
Jackson, Mississippi 39225-2657

*Respondent*

)  
) Administrative Proceeding  
) Number: C-04-0059  
)  
)  
)  
)  
)

CONSENT ORDER

I.

The Business Regulation and Enforcement Division of the Mississippi Secretary of State ("Division") having the authority to administer and to provide for the enforcement of all provisions of the Mississippi Charitable Solicitations Act (the "Act"), and Respondent do hereby enter into this Consent Order in resolution of the allegations contained in the Notice of Intent to Issues Summary Cease and Desist Order and Impose Administrative Penalty issued by the Division and attached hereto as Exhibit A.

II.

Respondent, under the terms of this Consent Order and solely for the purpose of resolving the allegations contained in Exhibit A, stipulates without a hearing to the matters set forth in Exhibit A hereby consents to the issuance of this Consent Order and further consents to and agrees to the undertakings contained herein, with no formal administrative hearing and determination of wrongdoing. Furthermore, the undersigned agent for the Respondent

acknowledges that he/she has been lawfully vested with the authority to enter into this Consent Order on behalf of the Respondent.

### III.

THEREFORE, in consideration of a final resolution of the matters set forth herein, the Division and Respondent hereby agree and stipulate as follows:


1. Respondent stipulates to the jurisdiction of the Division as to all matters contained herein under the authority of the Act and acknowledges that the issuance of this Consent Order is solely for the purpose of resolving the matters set forth herein.
2. The Division shall impose a penalty upon the Respondent in the amount of \$500.00. Respondent shall remit payment to the Division, payable to the "Mississippi Secretary of State" upon execution of this Order.
3. This Consent Order is in resolution of the matters contained herein. As a result of this Consent Order, the matters contained herein cannot be used as a basis for action by the Division except in determining any penalty as may be imposed by the Division for any future violations of the Act committed by the Respondent and as set forth below.
4. Respondent agrees that it will comply with the provisions of the Mississippi Charitable Solicitations Act as currently in effect or as may be subsequently amended.

### IV.

In the event Respondent fails or neglects to comply with any of the terms, stipulations or undertakings set forth in this Consent Order, the Division may, without notice to the Respondent, unilaterally rescind this Order and institute any legal or administrative proceedings it deems appropriate including, but not limited to, proceedings to address the matters set forth herein.

ERIC CLARK  
Secretary of State

By:

  
JAMES O. NELSON, II  
Assistant Secretary of State

Date:

8/10/04

Hinds County Human Resource Agency

By:

  
Sign Name

Print Name: Kenn Cockrell

Title: President/Chief Operating Officer

Date:

8/27/04

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
BUSINESS REGULATION AND ENFORCEMENT DIVISION**

<b>IN THE MATTER OF:</b>	)	
	)	
	)	
<b>HINDS COUNTY HUMAN RESOURCE</b>	)	
<b>AGENCY</b>	)	<b>ADMINISTRATIVE PROCEEDING</b>
<b>Post Office Box 22657</b>	)	<b>NO. <u>C-04-0059</u></b>
<b>Jackson, Mississippi 39225-2657</b>	)	
	)	
<b>RESPONDENT</b>	)	

**NOTICE OF INTENT TO ISSUE SUMMARY CEASE AND DESIST ORDER  
AND IMPOSE ADMINISTRATIVE PENALTY**

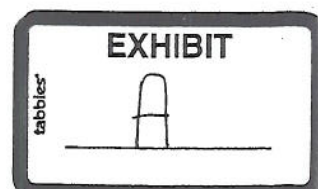
The SECRETARY OF STATE OF MISSISSIPPI, Business Regulation and Enforcement Division (hereinafter "Division") by and through James O. Nelson, II, Assistant Secretary of State, hereby issues this Notice of Intent to Issue Summary Cease and Desist Order and Impose Administrative Penalty (hereinafter "Order") against HINDS COUNTY HUMAN RESOURCE AGENCY (hereinafter "Respondent") and further gives notice of his intent to impose an administrative penalty and in support hereof, states the following.

**I. JURISDICTION**

1. The Mississippi Charitable Solicitations Act, codified at Miss. Code Ann. §79-11-501, *et. seq.* (2001) (hereinafter "Act"), empowers the Secretary of State to regulate "charitable organizations," *inter alia*, that solicit donations in the State of Mississippi.

Section 79-11-501(a)(i) of the Act provides the following:

(a)(i) "Charitable organization" means either of the following:





(A) Any person determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code. . . .

2. Respondent is a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code. Thus, Respondent is a "charitable organization" subject to the jurisdiction of the Secretary of State.

## II. FINDINGS OF FACT

3. The previous paragraphs are incorporated herein by reference.

4. Pursuant to Miss. Code Ann. §79-11-503(1), prior to any solicitation of contributions in the State of Mississippi, every charitable organization which solicits or intends to solicit contributions by any means whatsoever shall file a registration statement with, and pay a filing fee to the Division. In addition and pursuant to Miss. Code Ann. §79-11-503(3), the Division will issue a certificate of registration to a charitable organization once the Division determines that the organization has complied with the registration requirements. No charitable organization shall solicit funds without a valid certificate of registration.

5. Respondent neither filed a registration statement with the Division, nor did Respondent pay a filing fee to the Division before soliciting contributions in the State of Mississippi. A diligent search of the records of the Division reveals that Respondent is not lawfully registered to solicit donations in this state. Documentation evidencing the diligent search is affixed hereto as "Exhibit A." Because Respondent failed to submit any required registration materials, the Division never issued a certificate of registration.

6. The Division's inquiry into Respondent's revenue from direct public support as reported on Respondent's IRS Form 990 for the year ending on September 30,

2002, revealed that Respondent solicited contributions in Mississippi. Respondent was neither registered with the Division to solicit contributions in this state, nor was Respondent exempted from said registration requirements in violation of the Act.

7. On April 12, 2004, Bill Wilkerson, Director of the Division, sent a letter to Respondent indicating that charitable organizations soliciting donations in Mississippi while not registered or exempt from the registration requirements of Section 79-11-503 of the Act are in violation of the Act. A copy of Wilkerson's letter is affixed hereto as "Exhibit B."

8. Up to the issuance of this Order, Respondent has neither registered with the Division, nor has Respondent been granted an exemption from the registration requirements of the Act.

### III. CONCLUSIONS OF LAW

9. The previous paragraphs are incorporated herein by reference

10. Respondent failed to file a registration statement with, and failed to pay a filing fee to the Division prior to any solicitation of contributions in the State of Mississippi in violation of Miss. Code Ann. §79-11-503(1).

### IV. NOTICE OF INTENDED ACTION

The previous paragraphs are incorporated herein by reference. As provided in Miss. Code Ann. §79-11-509(4) (2001), the Secretary of State intends to take the following action:

1. Order HINDS COUNTY HUMAN RESOURCE AGENCY to **CEASE AND DESIST** from further illegal activity in the State of Mississippi.

2. Impose an administrative penalty of up to \$25,000.00 for each offense, each violation to be considered a separate offense in a single proceeding.

3. The imposition of an administrative penalty shall become effective thirty (30) days after receipt of this Notice unless a written request for an administrative hearing is received by the Secretary of State before the expiration of said thirty (30) days.

#### V. RIGHT TO AN ADMINISTRATIVE HEARING

If an administrative hearing is requested, written notice of the date, time, and place will be given to all parties by certified mail, return receipt requested. Said notice will also designate a Hearing Officer.

#### VI. PUBLIC INTEREST

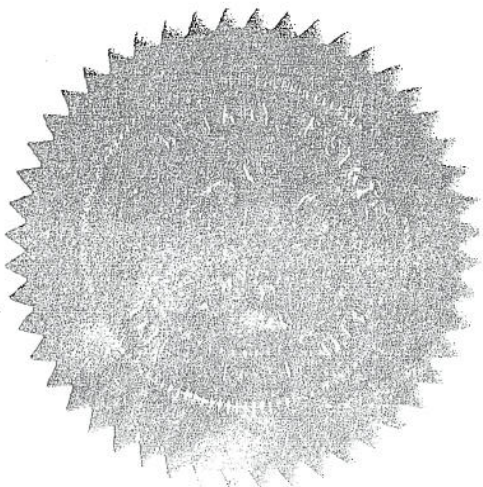
The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code Ann. §79-11-501, *et seq.* (2001).

#### VII. RIGHT TO AMEND


The Secretary of State hereby reserves the right to amend this Notice of Intent to Issue Summary Cease and Desist Order and Impose Administrative Penalty.

SO ISSUED, this the 4th day of AUGUST, 2004.

ERIC CLARK  
Secretary of State  
State of Mississippi



BY:

  
JAMES O. NELSON, II  
Assistant Secretary of State  
Business Regulation & Enforcement

PREPARED AND SUBMITTED BY:


Nathan Thomas, MSB #100496  
Senior Attorney  
Business Regulation and Enforcement Division  
Mississippi Secretary of State's Office  
Post Office Box 136  
Jackson, Mississippi 39205  
(601) 359-6366



### Certificate of Service

I, Nathan Thomas, Senior Attorney, hereby certify that I have this day mailed a true and correct copy of the foregoing Notice of Intent to Issue Summary Cease and Desist Order and Impose Administrative Penalty via Certified Mail to the following:

Alfred Junior  
Hinds County Human Resource Agency  
Post Office Box 22657  
Jackson, Mississippi 39225-2657

  
\_\_\_\_\_  
Attorney  
\_\_\_\_\_  
Date 2/5/04

I, Eric Clark, Secretary of State of the State of Mississippi, and as such the legal custodian of records of the registration statements and certificates of registration for charitable organizations, required by the laws of Mississippi to be filed in my office, do hereby certify that I have made a diligent search in my office for the record and copy of:

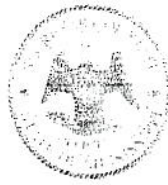
Any registration application, registration statement, certificate of registration or any other submitted materials from Hinds County Human Resource Agency

And there cannot be found therein, or on file in my office, any paper or record of any such documents.

28th day of July, 2004

*Eric Clark*





STATE OF MISSISSIPPI  
SECRETARY OF STATE  
ERIC CLARK

700 NORTH STREET  
POST OFFICE BOX 136  
JACKSON, MISSISSIPPI 39205-0136

TELEPHONE (601) 359-1350  
FACSIMILE (601) 359-1499

April 12, 2004

Mr. Alfred Junior  
Hinds County Human Resource Agency  
Post Office Box 22657  
Jackson, MS 39225-2657

Dear Mr. Junior:

It has come to our attention that Hinds County Human Resource Agency is not registered with the Mississippi Secretary of State, Charities Division nor has Hinds County Human Resource Agency been granted an exemption from registration. We note that you are a 501(c)(3) organization as determined by the Internal Revenue Service. Pursuant to Mississippi law, all such organizations which solicit contributions must either be registered with the State of Mississippi or apply for and receive an exemption from registration.

For your convenience, I have enclosed a registration packet for your use. Please complete the appropriate forms and return them to us immediately. If you have any questions about completing any of the forms, please contact Ms. Kathy French at (601) 359-1371.

Pursuant to Miss. Code Ann. §79-11-503 (Rev. 2001), any solicitation made without registration or renewal with this office as required by law and issuance of a certificate of registration is illegal. Further, pursuant to Miss. Code Ann. §79-11-509(4) (Rev. 2001) of the Mississippi Charitable Solicitations Act, a charity may be subject to an administrative penalty up to a maximum of Twenty-five Thousand Dollars (\$25,000) for each violation of the Act, including solicitations made during a period of non-registration.

Sincerely,

  
BILL WILKERSON  
Director  
Business Regulation & Enforcement

Enclosures



08/31/04

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SETTLEMENT FEE OF INTENT ORDER  
ISSUED BY SOS ON 08/04/04

500.00

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08/31/04

SECRETARY OF STATE Acct#

Totals..

500.00